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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/577,099

04/25/2006

Jozef Pieter Van Gassel

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

SHEPPERD, ERIC W

ART UNIT

PAPER NUMBER

2456

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/577,099 | <b>Applicant(s)</b><br>VAN GASSEL ET AL. |  |
|                              | <b>Examiner</b><br>ERIC W. SHEPPERD  | <b>Art Unit</b><br>2456                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The phrase “enabling to establish” used throughout the specification is grammatically incorrect. Examiner suggests correcting phrase to “enabling the establishment of”. Page 7 line 21, “sequence 400” is not shown in the drawings.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 1 and 5 are objected to because of the following informalities: In claim 1, the limitation “enabling to establish” is grammatically incorrect. In claim 5, in the limitation “A UPnP compliant device” the “A” should be “An”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorsteinsson et al (US 2003/0105854 A1), in view of Chung (WO 2004/077307 A1))

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5. As to claims 1 and 3, Thorsteinsson substantially discloses a method of enabling the establishment of a connection between multiple UPnP-compliant resources, wherein each of the resources has a respective ConnectionManager service (“plurality of client sites” Thorsteinsson claim 12 line 4 *and* “UPnP node” Figure 1, item 113), and wherein the method comprises configuring the respective ConnectionManager services so as to enable a UPnP Control Point (“The central portal is able to communicate with each device through ... Control Adapters” Thorsteinsson [0054] lines 5-7 *and* “There may be Control Adapters for Universal Plug and Play (UPnP)” Thorsteinsson [0064] lines 8-9) to use the respective services at a time determined in advance (“central portal ... It contains a Scheduling mechanism, which maintains a database of events to be triggered on behalf of Client Sites, either at particular intervals or at pre-configured points in time” Thorsteinsson [0055] lines 1-9).

Thorsteinsson, while capable of performing, does not disclose an UPnP Control Point negotiating a connection between resources.

Chung describes a programmable system for controlling the operation of a number of electrical appliances of a premise.

With this in mind, Chung discloses an UPnP Control Point negotiating the connection between multiple UPnP-compliant resources (“said system is adapted to connect at least two said appliances together by Home Audio Video interoperability standard” Chung claim 9 lines 1-3). It would have been obvious at the time of the invention to one of ordinary skill in the art to which said subject matter pertains to combine the system of Chung with the system of Thorsteinsson as it would provide the

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ability to schedule the cooperation between two separately controlled devices yielding the predictable results of being able to schedule a connection between two devices.

6. As to claims 2 and 4, the above combined art substantially discloses the invention as claimed as described in claims 1 and 3 respectively, including wherein the resources comprise a tuner for tuning to a broadcast channel and a recorder for recording a broadcast (“Command sequence VCR Start Recording (Channel 5)” Figure 8, item 805).

7. As to claim 5, Thorsteinsson anticipates an UPnP compliant device with a ConnectionManager service (“plurality of client sites” Thorsteinsson claim 12 line 4 *and* “UPnP node” Figure 1, item 113) that is configured so as to enable an UPnP Control Point (“The central portal is able to communicate with each device through ... Control Adapters” [0054] lines 5-7 *and* “There may be Control Adapters for Universal Plug and Play (UPnP)” [0064] lines 8-9) to use the service at a time determined in advance (“central portal ... It contains a Scheduling mechanism, which maintains a database of events to be triggered on behalf of Client Sites, either at particular intervals or at pre-configured points in time” [0055] lines 1-9).

Thorsteinsson, while capable of performing, does not disclose an UPnP Control Point negotiating a connection with another UPnP-compliant device.

Chung discloses an UPnP Control Point negotiating a connection with another UPnP-compliant device (“said system is adapted to connect at least two said appliances

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together by Home Audio Video interoperability standard” Chung claim 9 lines 1-3). It would have been obvious at the time of the invention to one of ordinary skill in the art to which said subject matter pertains to combine the system of Chung with the system of Thorsteinsson as it would provide the ability to schedule the cooperation between two separately controlled devices yielding the predictable results of being able to schedule a connection between two devices.

8. As to claim 6, the above combined art substantially discloses the invention as claimed as described in claim 5, including comprising a tuner for tuning to a broadcast channel (“Command sequence VCR Start Recording (Channel 5)” Figure 8, item 805).

9. As to claim 7, the above combined art substantially discloses the invention as claimed as described in claim 5, including comprising a recorder for recording content information (“Command sequence VCR Start Recording (Channel 5)” Figure 8, item 805).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yook et al (US 2005/0021714 A1), Manni et al (US 7,194,689 B2), Horlander et al (US 7,017,171 B1), Mizutani (7,003,791 B2), Young (US 2005/0058433 A1), Boone et al (US 2002/0196141 A1), Daniels (US 2002/0100044

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A1), Wood et al (US 2002/0057893 A1), Lemmons et al (US 2001/0013126 A1), Levine (US 5,988,078) are all related to controlling/scheduling devices remotely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC W. SHEPPERD whose telephone number is (571)270-5654. The examiner can normally be reached on Monday - Thursday, Alt. Friday, 7:30 AM - 5PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. W. S./  
Examiner, Art Unit 2456

/Ashok B. Patel/  
Primary Examiner, Art Unit 2456